

COVID-19: WHAT IS HAPPENING IN EUROPEAN PRISONS?



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The following information on prisons in different European countries has been collected in the last few weeks thanks to the work of the European Prison Observatory members. Please note that the situation is constantly changing and that this information might already be out of date.

The information published here and the upcoming updates will be available on the [European Prison Observatory website](#).

WHO/Europe has published an interim guidance on how to deal with the Coronavirus disease (COVID-19) in prisons and other places of detention, entitled "Preparedness, prevention and control of COVID-19 in prisons and other places of detention". The guidance can be found on the WHO page: [Preventing COVID-19 outbreak in prisons: a challenging but essential task for authorities](#)

The CPT has [published a statement](#) of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic.

Penal Reform International has issued a briefing note on the situation of the outbreak of a novel form of Coronavirus (COVID-19) and prevention measures in prisons and wider impacts of responses to governments on people in criminal justice systems: Coronavirus: [Healthcare and human rights of people in prison](#)



BELGIUM

Update: 25/03/20

The Belgian prison administration has taken several measures to protect prisoners and prison staff. Since 13 March, for example, it has no longer been possible to visit prisons and mouth masks have been issued to prison guards. Some of these masks are made in the prisons themselves. The prison administration expects that by the end of Wednesday's working day, 3,000 mouth masks will have been made by inmates since the workshops were launched. The protective masks have already been distributed in the prisons of Turnhout and Mons, where cases of virus contamination among inmates have already been identified. Brussels, Lantin and Bruges, among others, will be the next to be delivered, according to the prison administration.

In Belgium, OIP and LDH **issued a press release** asking to grant alternative measures to detention and benefits for convicted detainees. They also requested that all defendants for which there is no danger of repetition of the crime may benefit from non-custodial pre-trial supervision measures.

FRANCE

Update: 23/03/20

- ✳ On March 17, **family visits are suspended**. All activities, workshops, educational activities and work are suspended. Walks are maintained in restricted groups, the distribution of canteens is maintained. Outdoor sports activities and gymnasium activities are maintained. Lawyer's parlours are not forbidden. Also, administrative transfers of detainees are **suspended** (except for order and security measures). From March 23, each prisoner will be able to **benefit from a credit of 40€ per month** on his telephone account.
- ✳ On March 18th, Several NGOs, lawyers associations, judges associations, and unions **issued a press release** and March 19th, more than 1,000 people (academics, magistrates, lawyers, etc.) **signed a platform** to urge the reduction of the number of detainees. On March 20, the *Contrôleure général des lieux de privation de liberté* (CGLPL), the *Défenseur des droits* and the *Commission nationale consultative des droits de l'homme* (CNCDH) issued a **common statement** to call on the State to urgently implement the placement in individual cells.
- ✳ On March 23, the Ministry of Justice announced that in the next few days around 5,000 people that are towards the end

of their prison sentence and have followed their correctional path will be released.

- ✳ On March 23, the **Ministry of Justice announced** that 5 detainees tested positive to COVID-19.

➡ More updates can be found **here**.

GERMANY

Update: 24/03/20

The federal states have introduced various measures in their prisons. Nationwide, the execution of subsidiary penalties for failure to pay fines is suspended. Some federal states also released prisoners who have already been imprisoned based on these subsidiary penalties; Others have only stopped the admission. In several federal states, juvenile sentences are suspended, and juveniles are released. Three federal states do not enforce sentences of up to three years (Berlin; until July 2020) and six months (Bavaria and Lower Saxony) to minimize the number of entries. The same applies to the open prison system in Hesse.

Furthermore, collective prisoner transports are no longer carried out.

Many federal states are not granting prison leaves or other similar measures. Moreover, the transfer to the open prison system is restricted (North-Rhine Westphalia).

Visits for the prisoners are prohibited in the majority of federal states; only lawyers have access. In many prisons, counselling and care services have been suspended. The federal state of Saxony allows a legal minimum visitation period by relatives.

Nevertheless, more telephone calls are supposed to be granted. The payment of these calls seems to be handled differently, but in some cases, prisoners have to cover the calling fees.

Generally, there are concerns with regard to various health issues of prisoners, the impossibility of physical/social distance and the implementation of the hygiene guidelines.

In Germany, several prison officers and one prisoner have been tested positive.

The information comes from media reports, third sector organisations, prisoners and their relatives.



GREECE

Update: 24/03/20

The following information come from media reports, prisoners' complaints, human rights organisations interventions, prison staff representatives interviews and public announcements. Many of the media reports refer to official sources of information without specifying them. Authorities (the General Secretariat for Crime Policy of the Ministry for Citizens' Protection which is currently competent for prisons in Greece) **have issued one press release on 4 March 2020**.

According to this press release, the Secretary General for Crime Policy presented to all directors and other prison staff officials a protocol of actions to prevent and manage potential Coronavirus outbreaks in custodial institutions. The protocol provides that a segregation room for 10-20 persons should operate in each prison for those who will be ill. Incidents that cannot be dealt with in prison facilities, will be transferred to two special units. The first operates in a recently abandoned, after being used for HIV positive prisoners, wing of Korydallos Women's Prison which is administratively run by the Special Health Care Centre for Prisoners (formerly Korydallos Prison Hospital, in the greater Athens area). The second is in Thessaloniki Custodial Institution (Diavata), maybe a wing of a public hospital built years ago to be used as a prisoners' health care centre, but never operated for this purpose]. The same press release informs the public that prison staff and volunteer Red Cross nurses would be trained in the then following days, to be able to test new prison admissions. Gloves, masks and antiseptics would be delivered to all custodial institutions in the context of precautionary measures for prisoners and prison staff.

Up to now, no information exists as regards prisoners' transfers to the two referral units or the detection of infected prisoners or staff members. A few days ago **it was reported** that there were three suspected incidents, but no further information has been found on this. It has just been **published on a website with judicial news**, that the introduction of urgent early release measures is considered for some categories of prisoners, namely those who serve short and medium term sentences, up to five years and their release date is close, with the exception of offenders who have committed specific crimes (i.e. sexual offences).

The media report that temperature controls are put in place for all persons entering prisons and the staff working at entrance posts has to wear gloves and masks. Instructions for particular attention as regards cleanliness and hygiene have been given to prison staff. Restrictions and prohibitions have been decided for social and legal visits to prisoners and their contacts with the outside world (visitors meet their imprisoned relatives and friends only in closed conditions and for shorter time, and they are not allowed to deliver food, clothes, books etc). All kinds of prison leaves have been fully suspended. Prisoners' transfers have been also suspended, they are allowed only

exceptionally for some judicial, security and health care reasons. In a nutshell, a policy of restrictive measures seems to be followed at present, while there is a lack of positive measures to counterbalance prohibitions of prisoners' contacts and suspension of institutions facilitating reintegration.

Major concerns, including allegations that three detected incidents are kept secret, are expressed by human rights organisations and prisoners' rights initiatives (the **Hellenic League for Human Rights**, the **Initiative for Prisoners' Rights**), prisoners and their relatives (see **here**, **here**, and **here**) and prison staff (see **here**, **here**, and **here**). These concerns focus on the insufficiency and inappropriateness of existing protective measures (hygiene, sanitation) and the need to tackle crowding conditions which aggravate the risk of widespread infection in almost all prisons: the number of prisoners is 11,313 (20 March 2020 data, published by the Federation of Prison Officers) exceeding the official prison capacity which stands at 10,055 places. All parties (staff, prisoners, human rights defenders) raise the need to reduce prison numbers especially in these circumstances, and to allot prisons all necessary health protection equipment and guidance, taking into consideration the density of the prison population and their understaffing, which is acute, including health care staff. The opposition proposes that a reductionist policy should be adopted and that the 20 March 2020 CPT statement should be the guide for the measures to be taken (see **here**, **here**, and **here**).

ITALY

Update: 23/03/20

The Italian Penitentiary Administration has issued several internal regulations in the last few weeks in order to avoid an outbreak of the Coronavirus in prison. As the virus spread across Italy, it became clear that severe measures had to be taken on the whole territory. On March 8, the authorities decided to completely forbid visits with families and suspend all educational activities in all prisons, while improving access to phone calls and video calls for detainees to reduce their isolation at a difficult time. However, not all prisons complied with these improvements and this has caused protests and riots in 40 prisons between March 8 and 9.

Overcrowding is a very serious problem in Italian prisons (the official population rate is 120%, while the unofficial is estimated to be around 130%). Therefore, in the past few days, Antigone, together with Anpi, Arci, Cgil and Gruppo Abele,

has developed some proposals to reduce the number of prisoners, to encourage contact with the outside world, to prevent the contagion and to support prison staff.

Proposals to reduce the number of prisoners include extending probation and home detention to prisoners with health problems, overnight home detention for people on day-release so that they do not have to return to the prison in the evening, extending home detention to those on sentences up to thirty-six months. These measures would allow authorities to drastically reduce the number of people detained and would help to safeguard their health as well as that of prison workers.

On March 16, the government issued a decree to deal with the prison emergency with a change of regulations for home detention. According to the proponents of the decree, 2,000-3,000 people should be released in the next few weeks,

provided that the surveillance judiciary interprets the rules extensively.

LATVIA

Update: 20/03/20

On March 16, the Latvian government **sent a Nota Verbale to the Council of Europe** about derogation from certain obligations under Articles 8 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), article 2 of the Protocol to the ECHR, and article 2 of Protocol No.4 to the ECHR.

In particular, the Nota Verbale states that “places of deprivation of liberty shall restrict visits of third persons, except with a permit of the head of institution with a view to provide the core functions” and that “the rights of prisoners provided by law may be restricted in accordance with the decision of the Head of the Prison Administration”. Finally, it considers the “possibility of establishing a procedure for conditional release of convicted persons prior to the completion of the sentence, conducted by prisons and the State Probation Service, as well as prolongation the term of its execution”. Following the declaration of the state of emergency, upon the **order of the Director of Prison Administration of 16 March 2020**, short and long-term visits with relatives and other persons have been banned as of 17 March. Transfer of sentenced and pre-trial prisoner from abroad to serve their sentence in Latvia, has also been suspended. Prison governors are allowed to compensate restrictions by granting prisoners additional phone calls and video calls. Short term-imprisonment from 15 days to 3 months (new prison entries) has also been **suspended for the duration of the period of emergency**.

LUXEMBOURG

Update: 24/03/20

In Luxembourg there are 2 main prison establishments for adults: one closed (CPL) with the capacity for 597 beds; and a semi-open one, CPG, with a capacity for 113 beds. For instance, it is impossible to know by official sources if there is an overcrowding in both facilities and, considering the informal talks with people who work inside, overcrowding is an unlikely scenario.

The Penitentiary administration **released prevention measures on March 13** and **updated them on March 18**. Amidst those of the *March 13*, at CPL the **visits were reduced** to 25 visits per week and 2 visitors per visit. Visitors must be submitted to higher control, namely the filling out a questionnaire and measuring body. The visits were held in special rooms where the people were separated by glass (not possible to know if a full glass wall or just a piece of glass). At the CPG the communication just says that the visits should be staggered in order to avoid gathering people in the same place. **According to the media**, also the delivery of packages are now forbidden.

Regarding the previous activities provided and work situation, at CPL, with the exception to the laundry works (this laundry washes a huge amount of Hospital textiles), kitchen and cleanings, the training courses (*«cours de formation»* which could also include school courses), the work in workshops and sports activities were suspended. At CPG, the training courses should be suspended.

The transfer of prisoners between prisons and to the tribunal should be avoided. Special quarantine sections were created to receive new inmates at CPL.

The last communication released on March 18 states that all visits are suspended in both prisons. According to this communication, at CPL the number of visitation rooms (parlatory) meant for Skype calls increased. Those who are in CPG can have mobile phones and they can use the normal telephone booths. For those who are in CPG the domiciliary pre-releases are suspended.

PORTUGAL

Update: 24/03/20

Currently in Portugal there are about 13,000 people (men, women and transgender people) who are taking custodial measures, hundreds of professionals and dozens of children in the 49 prisons in the country.

Almost all prisons are overcrowded so it's impossible to isolate the sick prisoners and the health services are very precarious. The prison population has a significant number of elderly people, prisoners with chronic diseases (cancer, cardiovascular disease, diabetes, etc) and infectious and contagious diseases (HIV, hepatitis b and c), not to mention mental health problems which could increase with this situation.

There is no public access to the COVID-19 contingency plan of the General Directorate of Reinsertion and Prison Services (DGRSP),

only some measures at the website of this state organization, however they have not been updated. These measures were: provisional suspension of weekend visits, with visits on weekdays prevailing; the suspension of transfers of prisoners between prisons; the suspension of the open regime to the outside in identified risk areas (Porto, Felgueiras and Lousada) and the possibility that the security sections of Paços de Ferreira and Linhó could function as areas of containment or extended quarantine. Throughout the month of March other measures are being applied in diverse ways at the different prisons. On the 8th of March there was the suspension of visits in the prisons of the north, because the first cases of Covid-19 in Portugal started in this region. This suspension order was decided the night before by the Ministry of health. So on the 8th of March there was a lot of confusion and

these prisons took different measures some suspended the visits but others authorized. Also a lot of families and visitors were not aware of this decision and went to the visit although some of them were not able to enter and others, also, couldn't deliver the packages of food and clothes. This situation caused discontent among prisoners and in the prison of Oporto some refused to have lunch and were repressed and closed in the cells. The day after, 9th of March at the prison of Braga some prisoners also refused to eat lunch.

☼ On the 9th of March, the Ministry of Justice and the DGRSP officially suspended in the prisons of the north region all visits and the entry of volunteer visitors, ministers of worship, religious ceremonies, volunteer projects, research and internships. Also, all activities of labor, gymnasium, school and other projects were suspended. At the other prisons of the country intimate visits and weekend visits were suspended but visits could take place on weekdays. At the end of the week (march 14) the measures taken in the north were extended to prisons in the lisbon area. Other measures adopted were the authorization to deliver laundry washed by family members and an increase in the number of telephone calls allowed, with prisoners being entitled to three 5-minute daily calls.

☼ On March 15 a group of family members of prisoners organized a concentration outside the paços de ferreira prison but we don't have more information about this.

☼ On 17 March 40 prisoners were transferred from the psychiatric clinic of the Santa Cruz do Bispo Prison due to overcrowding and terrible conditions.

Reports from prisons show an uneven application of the measures. It is likely that in all prisons visits and work, educational, religious, sports and recreational activities are suspended. In some prisons video calls are being allowed to prisoners. Also, prisoners have access in small groups to the canteen and the courtyard. The media have reported virtually nothing about what goes on in prisons and the DGRSP says it has everything under control. However the guards' union, family members of prisoners and other people with contact in prisons have said that there are already cases of COVID in prisons and that there is no protective material for guards and other professionals or for prisoners.

SPAIN

Update: 24/03/20

Some of the measures taken by the Spanish Penitentiary Administration (as of March 15) were the following.

Suspension of all visits to penitentiary institutes and of permits for inmates in state penitentiary establishments. To alleviate these restrictions, all penitentiary centers will expand the number of telephone calls authorized by inmates, especially their lawyers, in order to that the right of defence is guaranteed at all times. Inmates classified in the third degree or who have applied the flexibility regime may leave exclusively to carry out the activities related to article 7 of the Royal Decree and upon return they will undergo the established health protocols.

On the same date, the **prison workers union CSIF denounced** that there were more than 160 inmates and around 50 infected officials.

Some of the measures taken by the Catalan Penitentiary Administration (as of March 24) were the following.

The entrances and exits of the internal persons, volunteers' and family visits, and all activities have been temporarily suspended. This also includes detainees classified in the third degree. Inmates entering the prison have to be quarantined for 14 days. In addition, prisons and juvenile justice centers have suspended transfers, except those for security, judicial or health reasons; and have postponed the case of the Catalan into Spanish and vice versa. Also, the Ministry of Justice has reduced the number of professionals working in prisons. The Generalitat has also doubled the number of telephone calls to which all persons deprived of liberty are entitled. Instead of 10 of 8 minutes, they are 20 of the same duration. In total, one hour and 20 minutes more phone per week. Justice and Health have identified people with previous pathologies and those over 65. There are 350 inmates who require special protection measures. Doctors are examining them one by one.



On March 18, in Catalonia there were 118 inmates in preventive isolation and one confirmed case. In relation to professionals, there were 1 positive and 39 suspected cases. Also, inmates of the Youth Prison Center were making sanitary masks for hospitals.

To increase the possibilities of family contacts during the health emergency, the Catalan Government is setting up calls via video conferencing from the computers in the jail education facilities. In parallel, the Justice Department has urgently ordered 230 mobile phones to be distributed among all prisons and juvenile justice facilities. From these devices, detainees will be able to make video conferencing via Whatsapp, which is a popular system and available to most families. Also, inmates will be able to call their families free of charge if they prove lack of resources and the Justice Department will bear the cost, whether they are local or overseas calls.

The Secretariat for Criminal Measures, Reintegration and Victim Care has set up a hotline to answer all families' questions regarding measures to protect inmates' health; on the delivery of packages to the centers; or the way to deposit money into the accounts that prisoners use to buy in the economies, without the need to travel unnecessarily to the prison facilities. When they need information related to a particular case, family members will be able to talk to social workers with whom they have a regular relationship.

The Ministry of Justice's series of actions to minimize the impact of COVID19 also include the application of article 86.4 to 251 persons deprived of their liberty. This is an option exclusively restricted to third-degree inmates, allowing them to sleep at home daily, rather than just over the weekend. These 251 people make up 15% of the entire third grade population, which is now 1,700. Today, 1 in 3 third-graders sleeps at home every day.

TURKEY

Update: 17/03/20

Last week, civil society organizations have issued a press release in order to call the authorities to take the necessary measures to prevent the spread of Coronavirus in penitentiary institutes. These are some of the proposed actions. Improve hygienic conditions and personal hygiene through the free delivery of cleaning materials free of charge.

Deferring the sentences of people, who are in the risk groups and unable to maintain their hygiene easily such as disabled, chronically ill, elderly, children, and pregnant prisoners.

The examination of the files of ill prisoners who have appealed to postpone their sentence for health-related reasons should be done promptly, and immediately they should be provided with proper treatment outside of the

prison.

The staff in prisons should be informed about the measures to be taken and rules to follow by taking into account of Ministry of Health and Turkish Medical Association's warnings.

The necessary precautions should be taken to ensure that the testing can be done reliably and swiftly for all the staff, prisoners, and their relatives who are showing possible symptoms.

The public, but especially the family and lawyers of prisoners, should be regularly informed about the current and future precautions to be taken and the outcomes of these precautions in prisons.

Non-governmental organizations and public health trade associations also expressed concern on the negative effects of overcrowding that could accelerate the spread of the virus.

HUNGARY

Update: 19/03/20

The penitentiary administration restricted family visits to an extent (beyond the ban of physical contact) and wants to secure additional phone/video calls; however, it is not clear if the means are available and whether detainees will have to pay extra for that. Also, there is a great worry about overcrowding and bad hygienic conditions in case of an outbreak in prison.

NETHERLANDS

Update: 20/03/20


The Netherlands has amended the rules on arrest and detention regarding “minor” crimes to reduce the number of new inmates.

UNITED KINGDOM

Update: 24/03/20

On March 12, the Government released a statement on prisons of England and Wales in which it reassured the population on the prisons’ capacity to handle the situation. On that date, prison visits were not suspended, but families were asked not to visit prisons if they show any symptoms.

On the other hand, the President of the Prison Governors' Association, expressed her concerns on the outbreak of the virus in prisons, since overcrowding and the presence of vulnerable detainees make prisons a particularly “fertile breeding ground for Covid-19”. On March 24, the government decided to suspend all visits.

 More updates can be found [here](#) and [here](#).



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